

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:) Confirmation No.: 5487
Kiyoshi KATO et al.) Examiner: Ermias Woldegeorgis
Serial No. 10/573,527) Group Art Unit: 2893
Filed: March 24, 2006)
For: MEMORY DEVICE AND)
MANUFACTURING METHOD OF)
THE SAME)

SUPPLEMENTAL RESPONSE

Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Official Action mailed May 28, 2009, and the Advisory Action mailed September 10, 2009, have been received and their contents carefully noted. This response supplements the *After Final Response* filed August 28, 2009, and *Submission of Verified English Translation* filed September 22, 2009. Filed concurrently herewith is a *Request for Three Month Extension of Time*, which extends the shortened statutory period for response to November 28, 2009. Also, filed concurrently herewith is a *Request for Continued Examination*. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on March 24, 2006, and January 30, 2009.

A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Claims 1-16 are pending in the present application, of which claims 1, 4, 7, 11 and 15 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 5 of the Official Action rejects claims 1-16 as anticipated by U.S. Publication No. 2005/0174845 to Koyama. In order to overcome this rejection, a verified English translation of the foreign priority application was filed with the *Submission of Verified English Translation* filed September 22, 2009. Since Koyama has a U.S. filing date which is later than the filing date of the foreign priority application, the Applicant respectfully submits that the rejections under § 102(e) should be overcome. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(e) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Respectfully submitted,



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